REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16, 24, 25, 27, 30, and 31 are pending in this case. Claim 1 is amended, new Claims 30 and 31 are added, and Claims 26, 28, and 29 are cancelled without prejudice or disclaimer by the present amendment. As amended Claim 1 and new Claims 30 and 31 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claims 1, 2, 6, 9-11, 13, and 25 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman (U.S. Patent No. 6,453,471) in view of Marshall et al. (U.S. Patent No. 6,419,137, hereinafter "Marshall"); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and further in view of Hölzle et al. (U.S. Patent No. 5,970,249, hereinafter "Hölzle"); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and further in view of Winston (U.S. Patent No. 6,434,653); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and further in view of Russo (U.S. Patent No. 5,619,247); Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and further in view of Kostreski et al. (U.S. Patent No. 5,729,549, hereinafter "Kostreski"); Claims 12, 24, 26, 28, and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and further in view of Trovato (U.S. Patent No. 6,701,526); and Claims 14-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and further in view of Inoue et al. (U.S. Patent Publication No. 2002/0016963 A1, hereinafter "Inoue").

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, that rejection is respectfully traversed. As Claim 1 is

[1]See, e.g., the specification at page 12, lines 1-11.

amended to include the subject matter Claim 29, the rejection of Claim 29 as unpatentable over Klosterman in view of Marshall and further in view of Trovato will be addressed herebelow.

Amended Claim 1 recites in part "at least some of the sets of the plurality of sets of the broadcast data service data being transmitted according to an alternative protocol to that used for the digital television data."

Thus, in the invention recited in Claim 1, the system provides a single broadcast signal which includes broadcast digital television data in a first protocol, such as MPEG-2, transmitted together with a plurality of sets of broadcast data service data in a second protocol, such as MPEG-4. In this example where the first protocol is MPEG-2 and the second protocol is MPEG-4, the more efficiently compressed format MPEG-4 allows the system to provide more of the plurality of sets of broadcast data service data with the broadcast digital television data in the single broadcast signal. It is noted that these protocols are simply provided as an exemplary embodiment, and any protocols known in the art may be used and be within the scope of the claimed invention.

With regard to Claim 29, the outstanding Office Action conceded that Klosterman and Marshall do not teach this subject matter and cited Trovato as describing this feature.[2]

Trovato describes an apparatus 30 for capturing broadcast EPG data for program title display that can extract programming information and then transmit the extracted programming information to an external device.[3] Thus, the programming information is all apparently ***received*** in a ***single*** protocol. The fact that the programming information may then be transmitted in a different protocol is not relevant to the claimed invention. Therefore, Trovato does not teach or suggest a system for providing a plurality of sets of broadcast data service data transmitted together with broadcast digital television data as part of a broadcast

[2]See the outstanding Office Action at page 12, line 13 to page 13, line 3.
[3]See Trovato, column 10, lines 38-51.

signal wherein "at least some of the sets of the plurality of sets of the broadcast data service data being transmitted according to ***an alternative protocol to that used for the digital television data***" as defined in amended Claim 1.

Consequently, as the combination of Klosterman, Marshall, and Trovato does not teach each and every element of amended Claim 1, Claim 1 (and Claims 2-16, 24, 25, and 27 dependent therefrom) is patentable over Klosterman in view of Marshall and further in view of Trovato.

With regard to the rejection of Claim 3 as unpatentable over Klosterman in view of Marshall and further in view of Hölzle, it is noted that Claim 3 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Hölzle does not cure any of the above-noted deficiencies of Klosterman and Marshall. Accordingly, it is respectfully submitted that Claim 3 is patentable over Klosterman in view of Marshall and further in view of Hölzle.

With regard to the rejection of Claims 4 and 5 as unpatentable over Klosterman in view of Marshall and further in view of Winston, it is noted that Claims 4 and 5 are dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Winston does not cure any of the above-noted deficiencies of Klosterman and Marshall. Accordingly, it is respectfully submitted that Claims 4 and 5 are patentable over Klosterman in view of Marshall and further in view of Winston.

With regard to the rejection of Claim 7 as unpatentable over Klosterman in view of Marshall and further in view of Russo, it is noted that Claim 7 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Russo does not cure any of the above-noted deficiencies of

Klosterman and Marshall. Accordingly, it is respectfully submitted that Claim 7 is patentable over Klosterman in view of Marshall and further in view of Russo.

With regard to the rejection of Claim 8 as unpatentable over Klosterman in view of Marshall and further in view of Kostreski, it is noted that Claim 8 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Kostreski does not cure any of the above-noted deficiencies of Klosterman and Marshall. Accordingly, it is respectfully submitted that Claim 8 is patentable over Klosterman in view of Marshall and further in view of Kostreski.

With regard to the rejection of Claims 12, 24, and 26 as unpatentable over Klosterman in view of Marshall and further in view of Trovato, it is noted that Claims 12 and 24 are dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Claim 26 is cancelled without prejudice or disclaimer, making this rejection moot with respect to that claim. Further, it is respectfully submitted that Trovato does not cure any of the above-noted deficiencies of Klosterman and Marshall. Accordingly, it is respectfully submitted that Claims 12 and 24 are patentable over Klosterman in view of Marshall and further in view of Trovato.

With regard to the rejection of Claims 14-16 as unpatentable over Klosterman in view of Marshall and further in view of Inoue, it is noted that Claims 14-16 are dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Inoue does not cure any of the above-noted deficiencies of Klosterman and Marshall. Accordingly, it is respectfully submitted that Claims 14-16 are patentable over Klosterman in view of Marshall and further in view of Inoue.

New Claims 30 and 31 are supported at least by original Claims 1 and 29 and the specification at page 12, lines 1-11. New Claim 30 recites in part:

> a processor configured to periodically extract all of the plurality of sets of the broadcast data service data from a broadcast carousel included in the broadcast signal;
>
> a memory configured to store all of the current plurality of sets of the broadcast data service data; the broadcast data service data defining a plurality of digital audio/video data sets, the digital audio/video data sets including television clips;
>
> a display configured to provide a list of a plurality of sets of the digital audio/video data sets; and
>
> a controller responsive to a user initiated selection signal to cause the memory to output a user selected one of the plurality of digital audio/video data sets selected from the list simultaneously with continued receipt of the broadcast digital television data, the selected one of the broadcast data service data plurality of sets having digital audio/video data, ***the digital audio/video data of the broadcast data service data being configured in the broadcast signal for reception at a rate slower than an audio/video replay rate for the selected set***, the selection signal being provided at any time during receipt of the broadcast digital television data and independently of the broadcast digital television data and the controller is responsive at any time during receipt of the broadcast digital television data and independently of the broadcast digital television data to output said selected portion;
>
> wherein ***the processor converts the digital audio/video data of the plurality of sets of the broadcast data service data into real time audio/video data having a real time audio/video replay rate***.

With regard to pending Claim 1, the outstanding Office Action cited column 3, lines 9-31 and column 10, lines 19-56 of Klosterman and column 1, lines 40-52 of Marshall as describing "digital audio/video data in non-real time."[4] However, the cited portions of Klosterman describe the display of a trailer that is either transmitted alone, or as part of a carousel 902. In either case, Klosterman appears to describe that the trailer is either immediately displayed in real time if transmitted alone, or the apparatus waits for the appropriate trailer on the carousel 902 and displays the trailer in real time when it is available. In either case, the trailer appears to be provided at a rate ***equal to*** the audio/video

[4]See the outstanding Office Action at page 3, lines 18-20 and page 4, lines 17 and 18.

replay rate. Thus, it is respectfully submitted that Klosterman does not teach or suggest "a controller" as defined in new Claim 30.

The cited portion of Marshall describes receiving and storing video clips to be played back later. However, Marshall does not teach or suggest that the video clips are provided at a rate ***slower*** than an audio/video replay rate. In fact, it is respectfully submitted that the video clips are provided at a rate equal to the audio/video replay rate. Therefore, it is respectfully submitted that Marshall does not teach or suggest "a controller" as defined in new Claim 30 either.

Consequently, new Claim 30 (and Claim 31 dependent therefrom) is patentable over Klosterman in view of Marshall.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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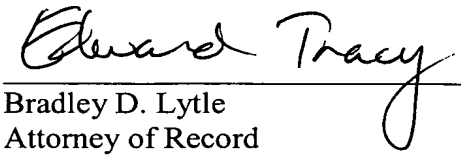

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